

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

CIVIL ACTION NO. _____

-against-

ARM OR ALLY, LLC, RAINIER ARMS, LLC, SALVO
TECHNOLOGIES, INC. d/b/a "80P BUILDER," ROCK
SLIDE USA, LLC, and INDIE GUNS, LLC,

**DECLARATION OF
DEPUTY SHERIFF
FRANCESCA ROSA**

Defendants.
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I, FRANCESCA ROSA, declare, pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

1. I am a Deputy Sheriff in the New York City Sheriff's Office, which is an office within the New York City Department of Finance. I have held the rank of Deputy Sheriff since March 2022. Before that, beginning in February 2016 when I joined the Sheriff's Office, I held the rank of Detective.

2. I am assigned to the Sheriff's Bureau of Criminal Investigation, which is a citywide unit within the Sheriff's Office responsible for criminal tax and financial crimes investigation. My duties and responsibilities include, but are not limited to, conducting criminal and civil investigations into real estate theft, real property tax fraud, and tobacco taxation; engaging in civil enforcement actions as directed by the courts and the Sheriff; and effectuating arrests.

3. I base this Declaration on my personal knowledge and observations, conversations with my colleagues in the NYC Sheriff's Office, and a review of records kept by

the Sheriff's Office in the ordinary course of business. I submit this Declaration in support of Plaintiff's Motion for a Preliminary Injunction.

4. As part of the NYC Sheriff's Office's investigation of online sales of ghost gun components into New York City, Sergeant Richard LeBlond, my direct supervisor, used an undercover identity to purchase unserialized, unfinished frames and various components needed to assemble ghost guns from a number of online ghost gun retailers. I assisted Sergeant Leblond in retrieving and unboxing some of the purchases he made, have reviewed the declaration he prepared in support of the Plaintiff's Motion for a Preliminary Injunction, and confirm that it accurately describes what I did in that regard. As described below, I also participated in other aspects of the NYC Sheriff's Office investigation into online sales of ghost gun components.

5. As Sergeant LeBlond stated in his affidavit, he made several purchases from Arm or Ally through its website armorally.com, which were delivered to an undercover address in Manhattan on or about May 3rd and 16th, 2022. A photo of the products purchased from armorally.com and delivered to the undercover Manhattan address on or about May 3rd and 16th, 2022, and lists of the items received, as recorded on two Sheriff's Office evidence cards, are attached hereto as **Exhibit 1**. These items included:

- A Polymer 80 frame kit, that included a Polymer80 PF940C 80% frame, locking block rail systems, locking block rail pins, drill bits (M3, M4), and a Polymer80 PF940Cv1 jig
- Glock19 compatible slide completion kit
- Glock 19 compatible lower parts kit
- Glock 19 compatible slide
- Glock 19 compatible barrel

The slide completion kit, slide, and barrel were Arm or Ally branded products.

6. On June 3, 2022, a trained firearms armorer from the Sheriff's Office's Firearms Unit, Lieutenant Fredric Davis, was assigned by the First Deputy Sheriff to "finish" the

Polymer80 PF940C 80% frame purchased from armorally.com and to assemble it into a fully functional firearm, using the components that were purchased online from that same website. Lt. Davis was assisted in the build by Sergeant Richard Lois, another trained firearms armorer from the Firearms Unit.

7. I was assigned by Sergeant LeBlond to assist in the documentation of the build and assembly of that firearm by personally observing the assembly, and recording the steps taken to build and assemble the firearm using the Axon Capture application on my City-issued cell phone.

8. The build and assembly of the unfinished frame/receiver and components was undertaken using the following standard household tools: a bench vice, an electric drill, a Dremel rotary tool with cutting, grinding and sanding attachments, a mallet, a screwdriver, a double-ended pick and hook, and needle-nose pliers.

9. Polymer80 makes available on its website a pdf instruction booklet to guide the finishing of its unfinished frames/receivers. A copy of Polymer80's pdf instructions booklet for the finishing of the ghost gun components purchased by the Sheriff's Office from Arm or Ally is attached hereto as **Exhibit 2**.

Assembly of the Ghost Gun

10. The first step in the firearm build and assembly by Lt. Davis was drilling six (6) holes into the polymer frame. The frame kit purchased from Arm or Ally included a "jig" that functions as a template so that the assembler knows the exact location and the appropriate size drill bit necessary to drill the holes, and multiple drill bits in the sizes needed for the holes. Photos of the jig are attached hereto as **Exhibit 3**. In total, using the jig, it took Lt. Davis less than 60 seconds to successfully create the holes in the frame needed for further assembly.

11. Next, Lt. Davis removed four (4) protruding polymer ridges located on top of the frame, also known as “top rail blocks,” by using a rotary tool. As seen in Exhibit 3, in addition to guide holes to indicate the location of the holes to be drilled, the jig also indicates with the words “remove” and “end mill” the locations of the polymer rail blocks and tabs that should be removed to “finish” the frame/receiver. Lt. Davis was able to remove and finely sand down the indicated top rail blocks in approximately 28 minutes.

12. Following the removal of the top rail blocks, there was also a protruding polymer tab known as a “barrel block” within the frame that needed to be removed. Lt. Davis used the rotary tool’s grinding and sanding attachments to remove and smooth out the edges of the barrel block. After approximately 13 minutes Lt. Davis had completed removing the barrel block, creating the concave tunnel in the frame in which the barrel would sit.

13. The next step undertaken by Lt Davis was the assembly of the trigger. With the brief assistance of Sergeant Lois, Lt. Davis used the mallet and the bench vice to secure the trigger safety to the trigger in approximately 3 minutes. Using needle nose pliers, the mallet, and the bench vice, Lt. Davis successfully assembled the trigger and installed it into the frame in approximately 5 minutes.

14. Following the assembly of the trigger, Lt. Davis was able to quickly assemble the magazine catch and release which, when engaged, allows the magazine to be released from the weapon.

15. Following the installation of the trigger into the frame, Lt. Davis next assembled and installed the slide. The slide is a component of the gun which houses the firing pin, extractor, recoil spring, and barrel through which a bullet is fired. When the gun is fired the slide recoils, ejecting the spent cartridge, and inserting a new round into the chamber. To ensure the slide

could properly attach to the top of the frame, Lt. Davis used the rotary tool's fine sanding attachment to further smooth out the edges of the tunnel where the barrel block had previously been removed. In total, it took approximately 8-10 minutes to assemble the slide and install the various parts within it.

16. Lt. Davis completed the build by attaching the assembled slide to the completed frame and racked the slide several times to confirm the firearm was properly assembled. A photo of the fully built/assembled "ghost gun" is attached hereto as **Exhibit 4**.

17. It was my observation that Lt. Davis' build and assembly of what appeared to be a fully-functional, unserialized, untraceable firearm, entirely from parts purchased online from Arm or Ally through armorally.com, was accomplished relatively easily, in approximately an hour and a half, using common household tools.

18. On June 15, 2022, I accompanied several of my colleagues from the Sheriff's Office, including Lt. Davis, to the Hempstead Police Department's pistol range to test the functioning of firearm that was built by Lt. Davis on June 3, 2022.

19. At the firing range, members of the Sheriff's Office performed multiple firing tests with the firearm, including handheld test firing, which was performed by Lt. Davis. I observed the test firing, and recorded video of the tests performed using the Axon Capture application on my City-issued cell phone.

20. During the handheld test firing exercise, I observed that Lt. Davis was able to successfully fire 5 rounds of Blazer, 9mm Luger, 115 Grain, Full Metal Jacket, Aluminum Case, Training Ammunition using the firearm, and the firearm successfully completed the full cycle of firearm operation: feeding, firing, extraction and ejection. Attached as **Exhibit 5** hereto are two

screen captures taken from the video I recorded of Lt. Davis performing the handheld firing test and displaying the firearm for the camera.

DATED: 06/24/22

D/S Francesca Rosa
Deputy Sheriff Francesca Rosa